

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:09cr52

UNITED STATES OF AMERICA,)

)

)

vs.

)

)

)

DARRELL EUGENE BANKS.)

)

ORDER

THIS MATTER is before the Court on the Government's Motion in Limine: *Mens Rea* [Doc. 13], filed October 13, 2009.

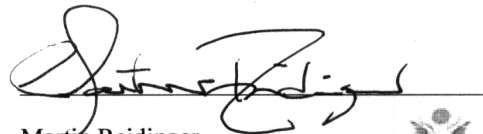
In its motion, the Government seeks a pretrial ruling precluding the Defendant from asserting, both in argument and through the testimony of witnesses, that the Defendant did not know he was a convicted felon and/or that he did not know that the firearms alleged in the Bill of Indictment traveled in interstate commerce. [Doc. 13].

The Government's motion is premature. There has been no proffer of any witness who might testify to the Defendant's lack of knowledge of these matters, nor has the Defendant given any indication to the Court that he intends to make such arguments to the jury.

IT IS, THEREFORE, ORDERED that the Government's Motion in
Limine: *Mens Rea* [Doc. 13] is **DENIED** without prejudice, subject to renewal
at the appropriate time.

IT IS SO ORDERED.

Signed: October 14, 2009

A handwritten signature in black ink, appearing to read "Martin Reidinger", is written over a horizontal line.

Martin Reidinger
United States District Judge

